

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keiji Hashimoto et al. Art Unit: 1745
Serial No.: 10/632,401 Examiner: R. Alejandro
Filed : July 31, 2003
Title : A SEPARATOR FROM A FUEL CELL HAVING FIRST AND SECOND
PORTIONS OF DIFFERENT MATERIALS (AS AMENDED)

MAIL STOP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(i)

Dear Sir:

Applicants call attention to the following facts concerning the Information Disclosure Statement (IDS) that was filed in the U.S. Patent and Trademark Office on September 20, 2004.

Applicants filed an Information Disclosure Statement on September 20, 2004, which included 1 page of Form PTO-1449, 4 pages of Communication from a related European Patent application, and 2 documents, US Patent No. 6,326,096 and European Publication No. 1 154 504. All documents were received by the USPTO on September 23, 2004 according to the attached copy of the stamped postcard.

The Examiner failed to initial the Form PTO-1449, claiming that the IDS did not comply with the rules under Rule 97(c)(2). However, the IDS did comply with the rules since copies of both

documents listed on the Form PTO-1449 were submitted with the IDS and no fees were required at the time of filing.

Furthermore, the Examiner failed to inform the applicants of the alleged non-compliant IDS in subsequent office actions.

Applicants submitted a Request for Initialed Form PTO-1449 on September 5, 2007, and a second copy of European publication no. 1 154 504. The Examiner claims that the submission was a non-compliant Information Disclosure Statement. Applicants asserted that the submission was a Request for Initialed Form PTO-1449, but the Examiner refused to consider the European publication.

Applicants attempted to contact the Examiner's supervisor, Patrick J. Ryan, several times between December 28, 2007 and March 11, 2008. No telephone messages were ever returned.

The instant application subsequently issued on March 11, 2008. This IDS is being submitted to clarify that the European publication was timely and properly submitted to the USPTO and its failure to be made formally of record was caused by a USPTO oversight.

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited.

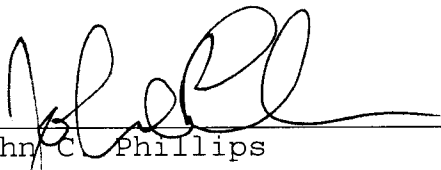
Applicant : Keiji Hashimoto et al.
Serial No.: 10/632,401
Filed : July 31, 2003
Page 3 of 3

Attorney's Docket No.: 15468-004001
PA0117US

No fee is believed to be due, however, please apply any
credits or additional charges to deposit account 06-1050.

Respectfully submitted,

Date: April 22, 2008



John C. Phillips
Reg. No. 35,322


Fish & Richardson P.C.
PTO Customer No. **20985**
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

RECEIVED

SEP 27 2004

U.S. PATENT & TRADEMARK OFFICE

JHP

Attorney's Docket No. 15468-004001	Express Mail Label No.	Mailing Date September 20, 2004	For PTO Use Only <i>Do Not Mark in This Area</i> 
Application No. 10/632,401	Filing Date July 31, 2003	Attorney/Secretary Init SCH/jhp	
Title of the Invention SEPARATOR FOR FUEL CELL AND FUEL CELL PROVIDED WITH THE SAME			
Applicant Keiji Hashimoto et al.			
Client Reference No. PA0117US			
Enclosures · Information Disclosure Statement (2 pages) · Form PTO-1449 (1 page) · Documents listed on the Form PTO-1449 (2 documents) · Copy of Communication from related EP application (4 pages)			

FR

* No Docketing Required *
Reviewed By Practice Systems
Initials:
Reviewed By Billing Secretary
Initials:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keiji Hashimoto et al. Art Unit:
Serial No.: 10/632,401 Examiner:
Filed : July 31, 2003
Title : SEPARATOR FOR FUEL CELL AND FUEL CELL PROVIDED WITH
 THE SAME

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants call attention to the attached Information Disclosure Statement and documents listed on form PTO-1449.

This filing is being made before the receipt of a first Office action on the merits. No fee is required.

Each enclosed document listed on the herewith Form PTO-1449 was cited in the attached Communication dated August 20, 2004, issued in a foreign counterpart application not more than three months ago. To the best knowledge of the undersigned, this is the first citation of these items in any communication from a foreign patent office in a counterpart foreign application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 20, 2004

Date of Deposit

Signature

Jennifer H. Payne

Typed or Printed Name of Person Signing Certificate

Applicant : Keiji Hashimoto et al.
Serial No.: 10/632,401
Filed : July 31, 2003

Attorney's Docket No.:15468-004001

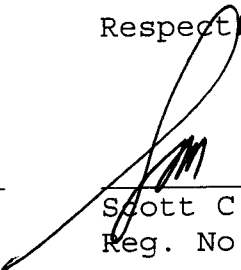
The documents are in the English language; hence no concise explanation is necessary per Rule 98(a)(3).

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

Please apply any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9/20/04



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
USPTO Customer No. 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099